

Hampshire, ss.

## **TOWN WARRANT**

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Annual Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Wednesday, the twenty-seventh day of April, two thousand and five**, when the following articles will be acted upon by town meeting members:

**ARTICLE 1. Reports of Boards and Committees (Select Board)**

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

**ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)**

To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

**ARTICLE 3. FY 05 Budget Amendments (Finance Committee)**

A. To see if the Town will amend Article 16 of the 2004 Annual Town Meeting (Reserve Fund) by increasing the appropriation by \$60,000 and to meet such increased appropriation transfer \$60,000 from Free Cash in the Undesignated Fund Balance of the General Fund.

B. To see if the Town will amend Article 14 of the 2004 Annual Town Meeting (FY 2005 Operating Budget) to distribute the amount appropriated for FY 05 salary adjustments for Town and Library employees by decreasing the appropriation and the amount to be raised by taxation for General Government by \$150,718 and by increasing the appropriations and the amounts to be raised by taxation for the following by the following amounts:

- a. Public Safety \$58,845
- b. Public Works \$22,859
- c. Planning, Conservation, and Inspections \$26,830
- d. Community Services \$26,604
- e. Jones Library \$15,580

**ARTICLE 4. Optional Tax Exemptions (Select Board)**

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

**ARTICLE 5. Authorization for Compensating Balance Accounts (Select Board)**

To see if the Town will accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

**ARTICLE 6. Retirement Assessment (Select Board)**

To see if the Town will raise and appropriate \$2,492,946 for the Hampshire Regional Retirement System assessment.

**ARTICLE 7. Five Year Contract for a Telephone System (Select Board)**

To see if the Town will, in accordance with M.G.L. Chapter 30B, sec. 12 (b), authorize the Chief Procurement Officer to enter into a contract for a new telephone system for a period not to exceed five years.

**ARTICLE 8. Special Services - Amherst Community Television (Select Board)**

To see if the Town will raise and appropriate \$4,000 for Amherst Community Television and related expenses.

**ARTICLE 9. Petition - Electricity Deregulation Study Committee (B. Bouricius)**

“To see if the Town will vote to request that the Select Board appoint a five-member committee to study the impact on the town, its residential and business electricity users of the recent final deregulation of electric utility rates and propose methods by which the town could assist these residential and business electricity users to join together, with town involvement if necessary, to obtain environmentally responsible lower electric rates.”

**ARTICLE 10. Community Preservation Act – Historic Preservation (Community Preservation Act Committee)**

To see if the Town will appropriate \$242,500 from the Community Preservation Fund annual revenues or available funds for historic preservation projects.

ARTICLE 11. Community Preservation Act – Housing Project on Main Street (Community Preservation Act Committee)

To see if the Town will appropriate to the Amherst Housing Authority \$155,000 from the Community Preservation Fund annual revenues or available funds for a community housing project on Main Street, including the acquisition of land shown as Parcel 249 on Assessors' Map 14B, such appropriation to be subject to and contingent upon the tender to the Town by the Amherst Housing Authority of an Affordable Housing Restriction, and to authorize the Select Board to accept such Affordable Housing Restriction.

ARTICLE 12. Easement - Meadow Street Bridge (Select Board)

To see if the Town will authorize the Select Board to acquire by gift or purchase temporary and permanent easements, as set forth below, for roadway construction, roadway safety improvements and for the replacement of Meadow Street Bridge over Swamp Brook:

- A. Temporary easement (TE-1) for construction purposes in a portion of the parcel shown as Parcel 5 on Assessors Map 4B, totaling 6666 square feet; more or less;
- B. Permanent Easement (BA-1) for the purpose of stabilizing of bridge abutments in a portion of Parcel 5 on Assessors Map 4B, totaling 109 square feet, more or less;
- C. Temporary easement (TE-2) for construction purposes in a portion of the parcel shown as Parcel 6 on Assessors Map 4B, totaling 2371 square feet; more or less;
- D. Permanent Easement (BA-2) for the stabilization of bridge abutments in a portion of the parcel shown as Parcel 6 on Assessors Map 4B, totaling 47.7 square feet., more or less.

The foregoing easements are more particularly shown on a plan of land entitled The Commonwealth of Massachusetts, Massachusetts Highway Department, Plan and Profile of Meadow Street over Swamp Brook in the Town of Amherst, Hampshire County, dated March 21, 2005, by Purcell Associates Consulting Engineers.

ARTICLE 13. Temporary Construction Easement - East Leverett Road Bridge (Select Board)

To see if the Town will authorize the Select Board to acquire by gift or purchase temporary easements, as set forth below, for roadway construction, roadway safety improvements and for the replacement of East Leverett Road bridge over Mountain Brook:

- A. Temporary easement (TE-1) for construction purposes in a portion of the parcel shown as Parcel 18 on Assessors Map 3B, totaling 300 square feet, more or less;.
- B. Temporary easement (TE-2) for construction purposes in a portion of the parcel shown as Parcel 16 on Assessors Map 3B, totaling 191 square feet, more or less.

The foregoing easements are more particularly shown on a plan of land entitled "The Commonwealth of Massachusetts, Massachusetts Highway Department, Bridge Replacement Project for East Leverett Road over Mountain Brook, Bridge No. A-08-020 in the Town of Amherst, Hampshire County," dated June 11, 2004, by Transystems Corporation

ARTICLE 14. Street Acceptance – Owen Drive (Select Board)

To see if the Town will accept as a Town way Owen Drive as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 15. Petition - Bicycle Lane on Main Street (V. Kaynor)

"To see if the Town will vote to remove "temporary" parking on the north side of Main Street between Triangle Street and Lessey Street in order to re-establish the bicycle lanes that existed before the parking garage construction."

ARTICLE 16. Cell Tower Lease (Select Board)

To see if the Town will authorize the Town Manager to enter into a lease with Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, such lease to be for approximately 10,000 square feet of land owned by the Town, plus access thereto, located off Pulpit Hill Road, being a portion of land described in a deed recorded at Hampden County Registry of Deeds Book 4795, Page 88; such lease to have an initial term of five (5) years with three (3) options to renew for five (5) years each; such lease to be in substantially the form proposed by the Town to allow for the installation of a multi-user telecommunications facility and related purposes.

ARTICLE 17. Petition – Transfer Control of Wentworth Farm (V. Morales)

"To see if the Town will vote:

Whereas, 25 – 30 acres of land bounded by Belchertown Road, Old Farms Road, and land of the Conservation Commission abutting the Fort River and composed of Parcel 46 and portions of Parcel 17 and 18 of Map 18A of the Town Cadastre have been owned by the town and managed by the Conservation Commission since 1983; and,

Whereas, because of wetlands and vernal pools, this 25 – 30 acre parcel has only 3 plus buildable acres – which buildable acreage is compromised by being a functional part of the habitat of an endangered species; and,

Whereas, uses previously proposed for this land; and elementary school site (rejected by voters and town meeting, and later withdrawn as a school site by the superintendent), soccer fields (insurmountable environmental barriers), affordable housing (adverse environmental impacts plus the costs of very long driveways), and a playground (adverse environment impacts, driveway costs, and security) have proved to be unworkable; and,

Whereas, there are both private and public parcels that would be suitable for elementary school sites, if needed; and no parcel or parcels of conservation land north of the center of town or elsewhere are or have been determined to be suitable school sites for which this land could serve as compensation;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Representative Town Meeting vote to transfer this 25 – 30 acres of land now informally managed for the town by the Conservation Commission and composed of Parcel 46/Map 18A and portions of Parcels 17 and 18 of Map 18A of the Town Cadastre and bounded by Belchertown Road, Old Farm Road, and land of the Conservation Commission abutting the Fort River from the care and custody of the Select Board to the formal management and control of the Conservation Commission under Massachusetts General Laws, Chapter 40, Section 8C.”

ARTICLE 18. Zoning Map - Olympia Drive Rezoning (R-F to R-N) (Planning Board)

To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Map 8D, Parcel 20 from Fraternity Residence (R-F) to Neighborhood Residence (R-N).

ARTICLE 19. Zoning Bylaw - Supplemental Apartments (Planning Board)

To see if the Town will amend Section 5.011 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the new language in **bold italics**, and reorganizing the section as follows:

5.011 Supplemental Apartment

5.0110 *A supplemental apartment is a separate, self-contained dwelling unit incorporated within and accessory to a single family detached dwelling. As an accessory use to a single family dwelling, a supplemental apartment is exempt from the additional lot area/family requirement of Table 3. Supplemental apartments serve the following purposes:*

5.01100 *To meet the various needs of households at differing stages in their life cycle, such as providing older or disabled homeowners, or their relatives, household members, or caregivers, with housing appropriate to their circumstances, as well as a source of rental income and an opportunity for companionship, security, and caregiving services.*

5.01101 *To allow for the creation of new, moderately priced rental housing in owner-occupied residences, thereby protecting the economic diversity, social stability, property values, and residential character of established neighborhoods.*

5.0111 The Board of Appeals may authorize under a Special Permit in *the* Outlying Residence, Low Density Residence, Neighborhood Residence, ~~and~~ Village Center Residence *and General Residence* Districts, one supplemental apartment accessory to the use of a ~~one~~*single*-family dwelling, provided that:

5.01110 There shall not be more than ~~600~~ *800* square feet of gross floor area in ~~the a~~ supplemental apartment, ~~and except that any apartment built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in gross floor area.~~

5.01111 Any ~~one single~~ family dwelling in which a supplemental apartment is constructed shall not be used simultaneously as a ~~Rooming House~~ *for accessory lodging under any provision of Section 5.010.*

5.01112 *One of the dwelling units shall be occupied by the owner(s) of the principal single family residence, which requirement shall be made a condition of any Special Permit issued under this section.*

5.01113 *Notwithstanding the provisions of Section 12.14, a supplemental apartment shall be occupied by a total of no more than two (2) people.*

ARTICLE 20. Zoning Bylaw - Affordable Cluster Dimensions (Planning Board)

To see if the Town will amend the dimensional table for affordable cluster developments under Section 4.332 of the Zoning Bylaw by removing the ~~lined-out~~ numerals and adding the numerals in **bold italics**, as follows:

4.332 For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3:

	R-LD		R-O		R-N		R-VC	
	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached
Cluster Minimum Lot Areas (sq. ft.)	25,000	25,000	15,000	15,000	10,000	10,000	7,500	7,500
Additional Lot Area/Family (sq. ft.)		10,000		6,000		4,000		2,500
Lot Frontage (ft.)	100*	100*	100*	100*	80*	80*	60*	60*
Minimum Front Setback (ft.)	<del>40*</del> <b>20*</b>	<del>40*</del> <b>20*</b>	<del>40*</del> <b>20*</b>	<del>40*</del> <b>20*</b>	<del>30*</del> <b>15*</b>	<del>30*</del> <b>15*</b>	<del>25*</del> <b>10*</b>	<del>25*</del> <b>10*</b>
Minimum Side/Rear Setback (ft.)	15*	15*	15*	15*	15*	15*	10*	10*
Maximum Building Coverage (%)	10*	10*	15*	15*	<del>20*</del> <b>25*</b>	<del>20*</del> <b>25*</b>	<del>25*</del> <b>30*</b>	<del>25*</del> <b>30*</b>
Maximum Lot Coverage (%)	15*	15*	25*	25*	<del>30*</del> <b>35*</b>	<del>30*</del> <b>35</b>	<del>40*</del> <b>45*</b>	<del>40*</del> <b>45*</b>

\*May be modified by the Planning Board by Special Permit.

ARTICLE 21. Zoning Bylaw - R-G & R-VC Dimensions (Planning Board)

To see if the Town will amend Table 3, Dimensional Regulations, and associated Footnote m. of the Zoning Bylaw by: 1) adding footnote m. (superscript) to the Basic Minimum Lot Area and Additional Lot Area/Family requirements in the Village Center Residence (R-VC) District, and 2) amending footnote m. by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

- m.
- For new town houses (Section 3.322) ***and*** apartments (Section 3.323), ~~and subdividable dwellings (Section 3.324), these areas shall apply~~ in addition to the areas required by this table for any existing dwelling units on the lot. ~~In addition, the density for new town houses, and apartments, and subdividable dwellings shall not exceed one dwelling unit per 6,000 sq. ft. of the remaining lot area, or the entire area in the case where there are no existing dwelling units~~ ***the existing average residential density for lots in the surrounding neighborhood. Existing average residential density shall be derived by: 1) calculating the existing density (dwelling units/sq. ft) for each lot within 500 feet of the boundary of the subject property in the same zoning district, 2) summing the existing densities for all said lots, and 3) dividing the resulting figure by the total number of said lots. Not to be included in the calculation of existing average residential density are any of the following properties: 1) properties zoned or developed for non-residential uses, 2) vacant properties in public or institutional ownership, or privately-owned vacant properties more than 50% larger than the average size of developed residential lots within the area of the calculation, and 3) properties on which anomalous residential uses such as group quarters, congregate housing, or similar uses lacking dwelling units are located. Provisions for affordable housing density bonuses under this Bylaw shall apply under this section.***

ARTICLE 22. Zoning Bylaw - Inclusionary Zoning (Planning Board)

To see if the Town will add a new Article 15, Inclusionary Zoning, and amend Article 12, Definitions, of the Zoning Bylaw as follows:

- A.
- Add the following new Article 15, Inclusionary Zoning:

ARTICLE 15 INCLUSIONARY ZONING

- 15.0
- INTENT & PURPOSE
- 15.1
- REGULATIONS

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable housing in the Town of Amherst. This purpose includes:

- 15.00
- Ensuring that new residential development generates affordable housing as defined in Section 12.00.

- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

**SECTION 15.1      REGULATIONS**

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

- 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units at the following minimum rates:

<u>Total Development Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

\* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

For developments of **21** or more total units, calculation of the number of affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

- 15.11 Affordable dwelling units provided under Section 15.10 shall be counted as meeting the requirements for affordability density bonuses under the provisions of Section 4.550.0 (Open Space Community Developments).
- 15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be permanently available for purchase by eligible low-and moderate-income buyers, and available for a minimum of twenty years in the case of rental housing.
- 15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.14 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape.

**B.      Amend Article 12, Definitions, by adding the following new language under Section 12.00, and renumbering the remaining sections accordingly:**

- 12.00 *Affordable Units: Affordable housing units shall be those which may be rented or purchased by those who meet the guidelines for maximum annual income for a low-income or moderate-income family or household. The income limit for "low income" shall be 80% of the median income for Amherst, and the income limit for "moderate income" shall be 120% of median income for Amherst. Median income for Amherst will be as calculated by the U.S. Department of Housing and Urban Development, or any successor agency, and shall be adjusted for family size.*

**ARTICLE 23. Zoning Bylaw - Preliminary OSCD (Planning Board)**

To see if the Town will amend Section 4.58 of the Zoning Bylaw, by deleting the ~~lined out~~ language, adding the language in ***bold italics***, and renumbering the affected sections, as follows:

- 4.58      Review and Approval Process

4.580 The *permit granting board for a Preliminary Open Space Community Development (OSCD) Plan, and the* Special Permit Granting Authority for a *Final* Open Space Community Development (OSCD) *Plan* shall be the Planning Board, in accordance with the provisions of Section 10.3, the purposes, standards and requirements of Section 4.5, and such other requirements of this bylaw as may be applicable.

4.581 *Preliminary OSCD Plan Approval*

*4.5810 Prior to submitting a Special Permit application under this section for approval of a Final OSCD Plan, an applicant shall submit a Preliminary OSCD Plan for the review and approval of the Planning Board. The review procedure for a Preliminary OSCD Plan, including transmittals, notice, and public hearing, shall be conducted in accordance with the procedures required for Special Permits or Site Plan Review, as described in Section 11.23. The participation of prospective owners or occupants of future dwelling units is encouraged. At the time of application for Preliminary OSCD Plan approval, a minimum of thirty percent (30%) of the total proposed dwelling units in an OSCD shall be under agreement for conveyance to parties who intend to occupy said dwelling units. In addition to the notice requirements of M.G.L. Chapter 40A, notice of all public hearings held in connection with the Preliminary OSCD plan application shall be sent to all parties to such agreements.*

*4.5811 A Preliminary OSCD Plan shall include, at a minimum, an accurate surveyed site plan and appropriate information regarding site conditions, topography, and existing utilities, as well as proposed conceptual layouts for utilities, roadways, buildings, proposed landscape improvements and such other information as may be required by the Rules and Regulations of the Special Permit Granting Authority.*

*4.5812 Approval of a Preliminary OSCD Plan shall not constitute approval of a Special Permit for any subsequent Final OSCD Plan, nor shall approval of a Preliminary OSCD Plan obligate the Special Permit Granting Authority to approve any subsequent Final OSCD Plan derived from said Preliminary OSCD Plan. Submittal, review, and approval of a Preliminary OSCD Plan is intended only to facilitate the procedure of application for and development of a Final OSCD Plan meeting the intent of the Zoning Bylaw.*

4.582 *Final OSCD Plan Approval*

*4.5820* At the time of application for a Special Permit *for approval of a Final OSCD Plan* under this section, a minimum of thirty percent (30%) of the total dwelling units in an OSCD shall be under agreement for conveyance to parties who will occupy said dwelling units. *In addition to the notice requirements of M.G.L. Chapter 40A, notice of all Special Permit public hearings held in connection with the Final OSCD plan application shall be sent to all parties to such agreements.* At the time of occupancy of the first unit, and thereafter, a majority of the total dwelling units in an OSCD shall be owner-occupied, as defined under Article 12. Said requirement shall be enforced through covenants in homeowners or condominium association agreements, or similar documents, the review and approval of which documents shall be a condition of permit approval. The express intent of these provisions is to encourage the early and continuing involvement of residents in the design, development and management of an OSCD. These requirements shall be ongoing and shall be made a condition of the Special Permit.

4.583 Subsequent approval of such portion(s) of a *Final OSCD Plan* as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the streets and utility system. A favorable action which may be made by the Planning Board on a Special Permit application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or the Rules and Regulations Governing the Subdivision of Land, nor to imply that subdivision approval will be granted.

4.584 Each application for a *Preliminary or a Final* Open Space Community Development (OSCD) *Plan* containing land within the Flood-Prone Conservancy (FPC) District shall be accompanied by an additional set of plans and documents for transmittal to the

Conservation Commission. Within ten (10) days of receipt of the application, the Planning Board shall transmit a copy thereof to the Conservation Commission. The Commission shall, at its discretion, investigate the proposed development and report in writing its recommendations to the Planning Board within 35 days of the date of application. The Planning Board shall not take final action on approval of the application until it has received a written report from the Conservation Commission or until the 35 day period has passed without receipt of such a report.

#### ARTICLE 24. Town Meeting Child Care (Town Meeting Family Care Study Committee)

To see if the Town will appropriate a pilot program of childcare service at the Middle School to coincide with Town Meeting hours and dates for school-age children for the reasons and under the conditions stated below. If approved, funding will be sought (\$2000) at fall Town Meeting, 2005.

WHEREAS there has been concern that Town Meeting is not representative of the population of Amherst and that one way this is true is that there are not enough families of young children who participate; and

WHEREAS as a Committee we have conducted surveys with Amherst residents including many with young children; and

WHEREAS there is general support (about 60% of those questioned) that there should be some childcare support in order to make it more possible for families with young children to become candidates and serve on Town Meeting; and

WHEREAS there are also families with other care issues such as adults family members who have need of care; and

WHEREAS there is a need to establish a pilot program in time for the Town Meeting elections of March, 2006 in order that families may know that they may avail themselves of these services when they decide to become candidates for Town Meeting

Now therefore shall the town vote to approve this program.

1. that Leisure Services provide a childcare service at the Amherst Regional Middle School to coincide with Town Meeting hours and dates for school age children;
2. that this service at the Amherst Regional Middle School be available at no charge to any Town Meeting member regardless of income;
3. that Leisure Services be reimbursed from Town appropriations at a rate of \$15 per child per night, with a minimum cost of \$90 per night;
4. that Leisure Services provide a staff leader that is CPR certified and experienced in childcare;
5. that all staff be CORI checked;
6. that all staff ratios comply with Massachusetts office of childcare regulations;
7. that individuals may apply to Leisure Services for financial assistances with family care responsibilities that can only be met in the home;
8. that Leisure Services determine whether the family is eligible for financial aid for homecare according to their routine guidelines;
9. that this cost be borne by the town appropriations through the Town Meeting budget
10. that families utilizing the in home care will be responsible to hire the caregivers themselves;
11. that Town Meeting in order to make participation easier for families begin promptly at 7 pm and end by 9:30 pm;
12. that the town recognize that if approved, funds will need to be authorized by the fall, 2005 Town Meeting to cover the costs of this program. This money that will be budgeted will be \$2000 and unspent funds will be returned to the town.

#### ARTICLE 25. Proclamation- Human Rights Principles (Human Rights Commission)

To see if the Town will adopt the following proclamation:

**Whereas** human rights principles represent the highest aspirations of the human race and their violation has resulted in acts that have outraged the conscience of humanity;

**Whereas** such principles can be found in the Universal Declaration of Human Rights, the ultimate standard of human rights and a document increasingly referred to as customary international law; and

**Whereas** such principles are further elaborated in its progeny, such as the Convention on the Elimination of Discrimination against Women; Convention on the Elimination of All Forms of racial Discrimination; and Convention on the Rights of the Child

Town Meeting in Concert with the Select Board and the Human Rights Commission for the Town of Amherst

**Resolve** that it will commit itself to the progressive realization of human rights principles within the resources of the town, state, nation, and world community and

**Urges** all municipalities, states, nations the international community, that is, every person everywhere to work together in a spirit of cooperation and harmony to realize human rights for all.

ARTICLE 26. Petition - Resident Alien Voting (V. Morales)

“To see if the Town will vote to authorize the Select Board to file with the legislature a request for a special act to authorize local voting rights for all categories of permanent resident aliens residing in Amherst, as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, resident aliens eighteen years of age or older and who reside in the town of Amherst may, upon application, have their names entered on a list of voters, established by the town clerk, for the town of Amherst and may thereafter vote in any election for local offices and local ballot questions.

SECTION 2. The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

SECTION 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.”

ARTICLE 27. Petition – Animal Welfare (B. Bauman)

“To see if Town Meeting will consider regulating the practice of chaining dogs outside in yards, including time limit, climate conditions, regulations on outdoor shelters, availability of food and water, tethering methods and other relevant issues.”

ARTICLE 28. Petition – “Dual Language” Programs (R. Alcorn)

“Whereas, the Amherst Regional School System needs to create programs that produce students who can communicate and compete effectively in today’s global economy; and,

Whereas, the Amherst Elementary Schools spend nothing (\$0.00) to teach World (aka foreign) Languages to English speaking elementary school students; and,

Whereas, English speaking students can be brought together with students fluent in a target language in a mainstream classroom environment, called a “Dual Language” program, to become fluent and literate in English and the target language; and,

Whereas, “Dual Language” programs are a proven method to support the needs of students fluent in a foreign language, both English Language Learners (ELL) and bilingual students, and support the needs of English speaking students who wish to learn a World Language in a mainstream classroom environment without the need for additional staff and at minimal cost to the Amherst Regional School System; and,

Whereas, “Dual Language” programs embrace speakers of foreign languages as an untapped resource; and,

Whereas, “Dual Language” programs can support the Amherst Regional School System’s goal to have a deeper understanding of our multicultural world; and,

Whereas, sufficient target language students exist today to start Spanish and Mandarin Chinese dual language classes in kindergarten with a grade added yearly until we have comprehensive kindergarten through sixth grade programs; and,

Whereas, the Amherst Regional School System has been studying starting a “Dual Language” Spanish/English program at the Crocker Farms Elementary School and a Chinese/English program at the Wildwood Elementary School and needs to begin implementation.

Now, therefore, shall the town vote to request that the Amherst Elementary Schools initiate mainstream “Dual Language” programs in both Spanish and Mandarin Chinese in the next school year (kindergarten classes starting in Sept. 2005), said programs to be administered and funded as mainstream classrooms with instructors that are grade level certified with additional qualifications needed to teach classes in the targeted World Language, as needed. To pay for such mainstream “Dual Language” programs increase the appropriation for the Amherst Elementary Schools by \$6,000.”

ARTICLE 29. Regional School District Agreement (Amherst-Pelham Regional School Committee)



To see if the Town will approve an amendment to the Amherst-Pelham Regional School District agreement reallocating the total amount to be contributed by the member towns to the District for Fiscal Year 2006, as required by the Agreement, so that each town's contribution, including statutorily required district minimum contribution, increases by an equal percentage in proportion to its contribution for Fiscal Year 2005, after which increasing Amherst's contribution by \$100,000 and redistributing the corresponding decrease to Pelham, Leverett and Shutesbury on the basis of each town's region enrollment times a computed biennial equalized valuation (source DOR) per pupil, which amendment shall apply to Fiscal Year 2006 only.

ARTICLE 30. FY 2006 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

ARTICLE 31. Reserve Fund (Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2006.

ARTICLE 32. Special Services – Transportation Subsidies (Select Board and Public Transportation Committee)

A. To see if the Town will raise and appropriate \$90,207 to fund outreach bus routes to the Orchard Valley/West Street, Echo Hill/Gatehouse Road and Cushman/Mill Hollow areas to be provided by contract between the Town and UMass Transit.

B. To see if the Town will raise and appropriate \$12,000 to subsidize fares of users of bus, van, and/or special transit services for the elderly, disabled, and others demonstrating a hardship.

ARTICLE 33. Capital Program - Chapter 90 (Joint Capital Planning Committee)

To see if the Town will authorize the expenditure of \$575,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

ARTICLE 34. Capital Program – Equipment (Joint Capital Planning Committee)

To see if the Town will appropriate \$831,400 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 35. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

To see if the Town will appropriate \$787,600 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 36. Capital Program and Community Preservation Act – Plum Brook (LSSE Commission and Community Preservation Act Committee)

To see if the Town will appropriate \$107,500 for athletic fields at Plum Brook and to meet such appropriation, transfer \$57,500 from the Brickyard Conservation Area Grant balance and appropriate \$50,000 from Community Preservation Fund annual revenues or available funds.

ARTICLE 37. Community Preservation Act - Agricultural Preservation Restriction (Community Preservation Act Committee and Select Board)

A. To see if the Town will appropriate \$100,800 from the Community Preservation Fund annual revenues or available funds for the purchase of an Agricultural Preservation Restriction in North Amherst (Map 5C, Parcels 22 and 48).

B. To see if the Town will rescind the action taken under Article 38 of the 2000 Annual Town Meeting (Land Acquisition – Meadow Street).

C. To see if the Town will appropriate \$403,200 for the purchase of an Agricultural Preservation Restriction in North Amherst (Map 5C, Parcels 22 and 48) and to meet such appropriation accept gifts, bequests, and grants from individuals, groups, corporations and, further, authorize the Treasurer to borrow in anticipation of any grant from the Commonwealth of Massachusetts.

D. To see if the Town will authorize the Select Board to acquire an Agricultural Preservation Restriction in North Amherst (Map 5C, Parcels 22 and 48) and, upon the tender of a grant from the Commonwealth of Massachusetts under the Agricultural Preservation Program, to authorize the Select Board to convey an interest in such Agricultural Preservation Restriction to the Commonwealth of Massachusetts to be held in common with the town.

ARTICLE 38. Stabilization Fund (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the 2006 Fiscal Year.

ARTICLE 39. Free Cash (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2006 Fiscal Year.

ARTICLE 40. Resolution – Iraq War (Select Board)

To see if the Town will adopt the following resolution:

RESOLUTION for the TOWN of AMHERST CONCERNING THE IRAQ WAR

Whereas, in October 2002 the United States Congress, relying on statements that were not true, adopted a Joint Resolution to Authorize the Use of United States Armed Forces against Iraq when in fact:

- the United States was not threatened with attack by Iraq,
- Neither Saddam Hussein nor Iraq had any weapons of mass destruction,
- Neither Saddam Hussein nor Iraq had any role in the attacks of 9/11;

Whereas, in going to war, the President did not meet the conditions imposed by Congress when he failed to show that diplomatic or peaceful means alone would not protect the national security of the United States or lead to enforcement of Security Council resolutions on Iraq;

Whereas, this war, undertaken under false pretenses, is in reality a war of aggression that is in violation of Article VI of our Constitution as well as several international treaties including the Charter of the United Nations which states in Article 2 (4):

- *“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations.”;*

Whereas, we as citizens of the United States are obligated under our Constitution and by international law to do all in our power to prevent our government from committing crimes of war and crimes against humanity, such as the occupation itself, the killing of innocent people, the use of torture, the use of chemical weapons, and the destruction of a nation’s infrastructure,

Whereas, this unwarranted assault on the people of Iraq has resulted in the deaths of an estimated 100,000 Iraqi men, women, and children and inflicted grief and suffering in the Middle East,

Whereas, this war has resulted in the loss of over 1500 of our own military personnel, the wounding of an estimated 20,000 more; is causing emotional traumas and suicides; and is imposing untold hardships here at home because of a shortage of revenues to our communities and the drain of personnel from town police and fire departments due to personnel in reserve units called to active duty,

Whereas, be it understood that we would stand behind our military personnel who were called up to defeat an enemy invading the territory of the United States or who were being asked to carry out an international and constitutional mandate,

Therefore, it is hereby:

Resolved, that the Amherst Town Meeting urge that the Massachusetts Congressional Delegation recognize the illegality of this war and the crimes against humanity that have been perpetrated because of it and work to declare a halt to hostilities and to withdraw our troops from Iraq, consistent with the mandate of international humanitarian law, before further irreparable damage can be done to either side, and to publicly renounce all plans for a permanent United States presence in Iraq;

And that the Town Clerk forward a copy of this resolution to each member of the Massachusetts Congressional Delegation.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this eleventh day of April, 2005.

Anne S. Awad  
Robey Hubley  
Gerald Weiss  
Hwei-Ling T. Greeney  
Robert Kusner  
Select Board

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April 12, 2005

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Lt. Jennifer Gunderson  
Constable, Town of Amherst